

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GOLDEN PRESIDENT SHIPPING CORPORATION,

Plaintiff,

- against -

BOCIMAR NV
and BOCIMAR INTERNATIONAL NV
a/k/a BOCIMAR INTERNATIONAL,

Defendants.
-----X

05 2008

S. D. OF N. Y.

08 Civ. 3490 (DLC)

ECF CASE

**EX PARTE ORDER
FOR PROCESS
OF MARITIME
ATTACHMENT**

WHEREAS, on April 18, 2008 Plaintiff, GOLDEN PRESIDENT SHIPPING CORPORATION, filed an Amended Verified Complaint, herein for damages amounting to **\$18,430,072.25**, inclusive of interest, costs and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal, or other designated process server, attach any and all of the Defendants' property within the District of this Court; and

WHEREAS, the Court has reviewed the Amended Verified Complaint and the Supporting Affidavit, and the conditions of Supplemental Admiralty Rule B appearing to exist:

NOW, upon motion of the Plaintiff, it is hereby:

ORDERED, that pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Clerk of the Court shall issue Process of Maritime Attachment and Garnishment against all tangible or intangible property, credits, letters of credit, bills of lading, effects, debts and monies, electronic funds transfers, freights, sub-freights, charter hire, sub-charter hire or any other

17, 336, 415.45

funds or property up to the amount of ~~\$18,430,072.25~~ ¹ ~~2~~ belonging to, due or being transferred to, from or for the benefit of the Defendants, including but not limited to such property as may be held, received or transferred in Defendants' name(s) or as may be held, received or transferred for its benefit at, moving through, or within the possession, custody or control of banking/financial institutions and/or other institutions or such other garnishees to be named on whom a copy of the Process of Maritime Attachment and Garnishment may be served; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further


ORDERED ^{with consent of the garnishee} that following initial service by the U.S. Marshal, or other designated process server, upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee; and it is further

ORDERED ^{with consent of the garnishee} ¹ that service on any garnishee as described above is deemed to be effective and continuous service throughout the remainder of the day upon which service is made commencing from the time of such service; and such service is further deemed to be effective through the end of the next business day, provided that another service is made that day; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means.

Dated: April 18, 2008

SO ORDERED:


U. S. D. J. m

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GOLDEN PRESIDENT SHIPPING CORPORATION,

Plaintiff,

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Sealed
**ORDER APPOINTING SPECIAL PROCESS
SERVER PURSUANT TO F.R.C.P. RULE 4(c)**

An application having been made by counsel for Plaintiff for an Order Appointing a Special Process Server pursuant to Rule 4(c) of the Federal Rules of Civil Procedure,

NOW, on reading and filing the Affidavit of Nancy R. Peterson, sworn to on April 18, 2008, and good cause shown having been shown, it is hereby

ORDERED that Patrick F. Lennon, Kevin J. Lennon, Charles E. Murphy, Nancy R. Peterson, Coleen A. McEvoy, Anne C. LeVasseur or any other partner, associate, paralegal or agent of Lennon, Murphy & Lennon, LLC, including Gotham Process Servers, be, and is hereby, appointed, in addition to the United States Marshal, to serve the Process of Attachment and Garnishment and the Amended Verified Complaint, together with any interrogatories, upon the garnishee(s), together with any other garnishee(s) who (based upon information developed subsequent hereto by the Plaintiff) may hold assets of, for or on account of, Defendants.

Dated: New York, NY
April 18, 2008

[Signature]

U.S.D.J. *m*

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Southern District of New York (or designated process server) - GREETINGS:

WHEREAS an Amended Verified Complaint has been filed in the United States District Court for the Southern District of New York on the 18th day of April 2008 by

GOLDEN PRESIDENT SHIPPING CORPORATION,

Plaintiff,

against

BOCIMAR NV and BOCIMAR INTERNATIONAL NV a/k/a BOCIMAR INTERNATIONAL,

Defendants,

in a certain action for breach of maritime contract wherein it is alleged that there is due and owing from the Defendants to the said Plaintiff the amount of \$17,336,415.45 and praying for process of maritime attachment and garnishment against the said Defendants

WHEREAS, this process is issued pursuant to such prayer and requires that a garnishee(s) shall serve their answer(s), together with answers to any interrogatories served with the Complaint, within 20 days after service of process upon him and requires that Defendants shall serve their answer(s) within 30 days after process has been executed, whether by attachment of property or service on the garnishee.

NOW, THEREFORE, we do hereby command you that if the said Defendants cannot be found within the District you attach goods and chattels to the amount sued for, and if such property cannot be found that you attach other property, credit and effects to the amount sued for in the hands of:

ABN Amro, American Express Bank, Bank of America, Bank of New York, Bank of China, Bank of Communications, Bank of India, State Bank of India, The Bank of Tokyo-Mitsubishi Ltd., BNP Paribas, Barclay's Bank, Citibank, Calyon, DnB NOR Bank ASA, Deutsche Bank, Fortis Bank S.A., HSBC Bank USA Bank, HSH Nordbank AG, J.P. Morgan Chase, Nordea Bank Finland Plc, Nordea Bank Norge ASA, Societe Generale, Standard Chartered Bank, UBS, Wells Fargo and/or Wachovia Bank N.A.

to wit: property, letters of credit, deposits, funds, credits, bills of lading, debts, settlement agreements, or other assets, tangible or intangible, in whatever form of:

BOCIMAR NV and BOCIMAR INTERNATIONAL NV a/k/a BOCIMAR INTERNATIONAL

and that you promptly after execution of this process, file the same in this court with your return thereon.

WITNESS, the Honorable DENISE L. COTE, Judge of said Court, this 21ST day of April 2008, and of our Independence the two-hundred and thirty-second.

Lennon, Murphy & Lennon, LLC
Attorneys for Plaintiff
The Gray Bar Building
420 Lexington Ave., Suite 300
New York, NY 10170
Phone (212) 490-6050

J. MICHAEL McMAHON
Clerk
By: [Signature]
Deputy Clerk

NOTE: This Process is issued pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and/or New York Civil Practice Law and Rules, Article 62.